



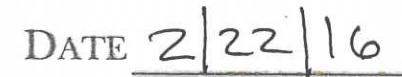
**AGENDA**  
**Committee of the Whole**  
**Monday, February 22, 2016 – 5:30 p.m.**  
**City Council Chambers, City Hall 10<sup>th</sup> Floor**  
**UPDATE #2     02/19/2016**

Councilmember Judi Brown Clarke, Chair  
Councilmember Jessica Yorko, Vice Chair

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Minutes:**
  - February 2, 2016 – Council Annual Training
  - February 8, 2016
- 4. Public Comment on Agenda Items**
- 5. Presentations:**
  - Police Department Bi-Annual Update (no handouts)
  - Human Resources Community Services (no handouts)
- 6. Discussion/Action:**
  - A.) Discussion – Developer RFP Process Clarification (no handouts)
  - {CLOSED SESSION}
    - Michigan Tax Tribunal Litigation Update
  - {RECONVENE}
  - Discussion/Action-(continued):**
    - B.) RESOLUTION – Approval of Outside Legal Counsel for the City of Lansing
- 7. Other**
- 8. Pending**
- 9. Adjourn**

The City of Lansing's Mission is to ensure quality of life by:

- I. Promoting a vibrant, safe, healthy and inclusive community that provides opportunity for personal and economic growth for residents, businesses and visitors
- II. Securing short and long term financial stability through prudent management of city resources.
- III. Providing reliable, efficient and quality services that are responsive to the needs of residents and businesses.
- IV. Adopting sustainable practices that protect and enhance our cultural, natural and historical resources.
- V. Facilitating regional collaboration and connecting communities





**MINUTES**  
**Committee of the Whole**  
**Monday, February 22, 2016 @ 5:30 p.m.**  
**City Council Chamber**

**CALL TO ORDER**

The meeting was called to order at 5:30 p.m.

**PRESENT**

Councilmember Brown Clarke  
Councilmember Jessica Yorko  
Councilmember Patricia Spitzley  
Councilmember Adam Hussain  
Councilmember Kathie Dunbar- arrived at 5:35 p.m.  
Councilmember Carol Wood  
Councilmember Jody Washington -excused  
Councilmember Tina Houghton - excused

**OTHERS PRESENT**

Sherrie Boak, Council Staff  
Chad Gamble, Executive Assistant- arrived at 5:34 p.m.  
Joseph Abood, Deputy City Attorney- arrived at 5:31 p.m.  
Gina Lee, LFD  
Mark Mello  
Robert Long, Local Glass Workers and Painters  
Marc Crance, UAW  
Jeffrey Green, TWG  
Bob Trezise, LEAP  
Steve Willobee, LEAP  
Dennis Parker, UAW President

**Minutes**

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM FEBRUARY 2, 2016 AS PRESENTED. MOTION CARRIED 6-0.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE MINUTES FROM FEBRUARY 8, 2016 AS PRESENTED. MOTION CARRIED 6-0.

### **Public Comment**

Ms. Lee, a former LFD who was injured in 2002 and put on duty disability since then addressed the Committee on recent issues she had encountered with her file and status of back to active work in full duty in August, 2015, unbeknownst to her. Ms. Lee was contesting the paperwork, the doctor and wants Council to research if this process that was used is legal. Council President Brown Clarke asked Ms. Lee to email her questions and concerns to Council staff so that they may forward those onto all of Council. Council Member Wood confirmed Ms. Lee had already spoken at the Retirement Board meeting, and that Board is researching and investigating the situation.

Mr. Long spoke on behalf of the Local Glass Workers and Painters in regards to their opposition to the Sky Vue project. Mr. Long believes that Sky Vue was offered incentives however there were no local bidding process practiced, and therefore Council should not issue incentives and they need to find people that have worked in the City. The Council needs to create checks and balances regularly not annually on these developers.

Mr. Mello spoke in opposition to the Sky Vue project and questioned if they installed monitoring wells and who from the City has checked that process.

Mr. Parker referenced a draft resolution he sent to all Council Members regarding the opinion on the violation the UAW contract and asked for an opinion on the violation prioritizing contract. Council Member Spitzley asked for clarification on the violation, and Mr. Parker referenced Article 9, Section K of the UAW Local 2256 contract.

Mr. Crance spoke in support of the general contractors in Lansing and that there appears to be out of state contractors coming into the City doing local work. Mr. Crance asked for clarification on what tax breaks were given to Sky Vue and why they are offered to out of state and out of town contractors.

### **Presentations**

Council President Brown Clarke noted for the people present that she has invited Departments to present a bi-annual update on their budget highlighting where things are and any potential expectations for the upcoming budget.

#### **Police Department Bi-Annual Update**

Chief Yankowski acknowledged the LPD and the support from the residents in 2016. The approved FY6 budget allowed them to fulfill their mission to make the City a better place to live and work. With the \$39 million budget they have 242 officers; they implemented initiatives in the communities and continued their work on crime prevention. Both Unions came to budget ratification that allowed for cost savings with salary and benefits. Another aspect of the budget was the 21st Century Policing Task Force. Community policing continued to be a huge impact, and the LPD continued with a Citizen Police Academy which is in its 2<sup>nd</sup> session with over 20 participants. The LPD has training programs to engage officers and provide them with tools. The department is moving towards a crisis intervention team, and a regional effort. In FY 2017 the LPD will expand on their training hours in addition to expanding on the Violent Crime Initiative expansion identifying those responsible and using resources. In FY 16 the Department had a cold case officer and this will continue to expand. Talks continue on a regionalization team to work together on mutual aid agreements. With FY2016 there was an officer wellness program; in the future there will be random drug testing and physical agility tests. The LPD will have a large focus in FY16 and FY17 on hiring. They have already put extra money for recruiting and hiring in place, and did hire 13 police officers so far in FY16, three (3) thru the certifiable process, and 10 thru a sponsorship program to go to the police academy. It was acknowledged that they still have 14 vacancies. Two hiring processes are

underway, with the completion of one in the next two weeks. The Department is also currently going thru interviews. In FY174 the LPD will be need to ask for an addition process, but they currently plan to fill 14 vacancies. In FY17 there will be some detentions office vacancies (2), unexpected resignations and one more vacancy by July 1st.

Council Member Spitzley stepped away from the meeting at 6:05 p.m.

LPD has made adjustment to make sure core services are not affected.

Council Member Spitzley returned to the meeting at 6:08 p.m.

The Chief then outlined the purchase of body cameras in FY16 and FY17, confirming that the Pilot program was completed, and now LPD is on the equipment from Taser Exxon, with the expected delivery within the next two weeks, and implement 30-60 days. There was an increase in the amount even though they had set aside \$75,000. They will have 120 cameras, and the additional money LPD will need is for storage, redaction. They will utilize the JAG Grant funds to finish the project in year one, and will make a budget adjustments in 2017 to sustain.

Chief Yankowski lead into any unexpected items in FY16 in relation to cost increase and this included the initiative they took to send applicants to the academy. Instead of 3 they sent 10. The LPD also implemented the Police Court Feasibility Study with the County and are looking at the next 50 years facility. Their current work involves working with Ingham County to find a partnership for effectiveness and courts and lock up. They have set aside funds from FY16 for that study. Other projections for increases included dry cleaning expenditures, over time adjustments expected to be over \$250,000 projected. Chief Yankowski concluded by informing the Committee that there was an unexpected item occurrence with the tactical vehicle. The armored rescue vehicle was an unexpected removal from the Federal Government. LPD is currently looking at using forfeiture dollars to buy Tahoe's for rapids response vehicles. Council Member Dunbar asked for more details on why the President recalled the armored vehicle. Chief Yankowski noted that the President recalled all items that the military loaned out because it appeared too military. They did offer a replacement, however it is not a law enforcement friendly vehicle, it is designed for IUD not a rescue vehicle.

Council Member Dunbar asked in the hiring of new officers, how the department decides who are sponsored for the academy and who aren't. The Chief noted that it is the same process as certified and certifiable as sponsored. Those being certified have already gone thru the academy, for those looking for sponsorship they have met criteria which are a 2 yr. associate. LPD has exhausted the list and have found 10. It is same criteria; just the education requirement makes them different. Council President Brown Clarke asked if the sponsored have a clause that state they have to stay with the City of Lansing Department. Chief Yankowski confirmed there is a clause and if they leave before they fulfill the four (4) years, they are not certified by the State and they have to pay back their sponsorship. Council Member Dunbar asked what the steps are for requesting sponsorship and it was confirmed that LPD recruits year round, and work with HR. They also go to all the universities and job fairs, in addition have info on the website. Council Member Dunbar asked why, if they are successfully recruiting, there has been a long period of time on filling the vacancies. Chief Yankowski noted they have been working with HR to stream line and look at other ways to attract the qualified and best in a timely manner. There are 18 academies in the State with spring and winter graduation. Some processes took 9 months, and now LPD is looking to down size that, along with looking at having an open ended process, and always filing.

Council Member Spitzley asked if there is a program for military veterans and their qualifications. The Chief confirmed and added that if applicants have military back ground or a Lansing resident they get extra points on the process.

Council President Brown Clarke asked with the increase of body camera, if they will need funds for FOIA requests and review. Chief Yankowski noted the anticipated and has made adjustments. One advantage with the company they went with is that the prosecutors can view the files from their office and so will the City Attorney office. The Department will make adjustments in FY17 from part time to full time for central records positions.

#### Human Resources Community Services Bi-Annual Update

Dr. Joan Jackson Johnson acknowledged the Council invitation. The overview included an update on a vacant position that is being filled within the next three (3) weeks. The department also has a \$1.52 million which they have \$383,000 remaining, and that balance is explained by the disbursement date of their grants for the agencies in July and January, assuming the agencies report in. Some grants paid quarterly. The Department continues with the daily challenges with constant walk ins, constant calls and this year with the closing of Beechfield. The department continues to work with community partners and different veterans groups. The most recent project was the placement of 14 families including 44 kids from the Magnuson Hotel. They have met with community partners on site and decided to have weekly visits, and work on rehouse that environment. Council Member Spitzley asked if the City provides funding to Magnuson, and Dr. Jackson Johnson confirmed they do not. Challenges continue on trying to partner with other agencies.

The Department is working changing Public Act 615 which is for utility shut offs.

Council Member Wood asked if the Department was aware of recent issues with bed bugs and the Housing Commission efforts to assist people, however the seniors and disabled cannot move things so spraying can occur. Dr. Jackson Johnson is aware but also cannot currently find anyone to assist them however DHS has been working with them. In the situation of bed bugs the challenge is to educate the public. No one can afford to replace everything in the apts.

Council Member Wood asked who in the department handles the follow up checks on prevailing wage and groups paying taxes. Dr. Jackson Johnson confirmed she has staff that does perform that task and reviews it. There is also a follow up process for employers who don't collect. Before those packages are closed out we make sure they are qualified. Council Member Wood asked the Council President to place on an upcoming Ways and Means agenda to review.

Council Member Yorko asked for confirmation on the number of homeless people and a statement of 5,000 individual calls for services. Dr. Jackson Johnson pointed to the point in time when the count is done which is the last Wednesday in January, then they do counts in shelters and transition housing. They look at people in the homeless management systems and how they are funded. Biggest housing program is the permanent supportive housing, which is handled by Lansing Housing Commission. A street count is performed and reported to the Federal Government.

Council Member Spitzley acknowledges Dr. Jackson Johnson on their continued efforts with the mobile food pantry.

## **DISCUSSION/ACTION**

### **Discussion - Developer RFP Process**

Mr. Trezise and Mr. Willobee began a quick overview of the RFP process for developers.

Council Member Dunbar stepped away from the meeting at 6:48 p.m.

Council President Brown Clarke asked them if a developer says one thing, then something else happens is there a consequence, and what can Council do and not do. Mr. Trezise acknowledged the topic was the Sky Vue development, acknowledged Council for the opportunity to discuss this and lastly noted that LEAP follows the City of Lansing Policy. There are two (2) kinds of agreements, when Council does an incentive package there is a universal agreement that accompanies, which comes from an executive order with the Mayor's office. When the project involves a sale of property there is a development agreement.

Council Member Dunbar returned to the meeting at 6:40 p.m.

In regards to Sky Vue, Mr. Trezise confirmed the have and universal agreement, typical with a Brownfield, OPRA, etc. which is typical with that kind of project. Rise Group the developer informed LEAP they did work with a local major contractor in the beginning stages, however that contractor did not end up bidding on the project so they went with the next and that was Wolverine. There are signed agreements which say they will make attempts to hire local labor. Council President Brown Clarke asked if a developer does not select a particular contractor in initial discussion, is there a second attempt on bids. Mr. Trezise confirmed there is no policy in place, however they are encouraged. LEAP wants to analysis if a project needs and deserves incentives, and they want to increase the number living and working in the City and generate sustainability. LEAP does set up phone conferences and made introductions between developers and local workers in an attempt to bring people together, but they have to do business together. In this case the incentive was normal. Mr. Trezise went on to confirm with the Committee that upon a request to Rise Group, Rise did submit a letter (attached) summarizing the process they took. Mr. Trezise then listed companies that are working on the project from the Lansing area which include United Electric, Quality Hearing and Cooling, McCauley Glass, Builders Hardware, Glasers Lumber, Home Acres Building Supply, Grander, High Grade Materials and United Flooring. The bids were on the Builders Exchange open site and sent to 3,000 contractors. Once the bids were received bidders were notified and they issued 60 contracts to contractors 40% of which were local. Mr. Trezise could not speak to the bid process the developer used, however when they speak to developers they follow the City policy, however State laws are controversial because they take away from some local laws. Mr. Trezise concluded by stating that the City Council sets the policy on what LEAP can do, and this project is good development.

Council Member Yorko stepped away from the meeting at 7:03 p.m.

Council Member Wood handed out copies of the Draft Ordinance on transparency that the Committee on Development and Planning started in 2013.

Council Member Yorko returned to the meeting at 7:05 p.m.

Council President Brown Clarke referred the Draft Policy back to the Committee on Development and Planning. Mr. Trezise acknowledged LEAP's consideration and open to any conversation. The question was asked if there is currently a municipality that already has this in place so that they can make sure Lansing is competitive.

CLOSED SESSION – Michigan Tax Tribunal Litigation Update

Committee went into closed session at 7:12 p.m. by a roll call vote.

RECONVENE

Committee reconvened Committee of the Whole meeting at 7:22 p.m.

RESOLUTION – Approval of Outside Legal Counsel for the City of Lansing

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION FOR OUTSIDE LEGAL COUNSEL OF LAURA M. HALLAHAN OF HALLAHAN & ASSOCIATES, P.C. FOR A MICHIGAN TAX TRIBUNAL LITIGATION CASE. MOTION CARRIED 6-0.

ADJOURN

The meeting was adjourned at 7:24 p.m.

Respectfully Submitted by, Sherrie Boak, Recording Secretary

Lansing City Council

Approved by the Committee on March 14, 2016





**MINUTES**  
**Committee of the Whole**  
**Tuesday, February 2, 2016 @ 2:00 p.m.**  
**City Council Chambers**

**CALL TO ORDER**

The meeting was called to order at 2:00 p.m.

**PRESENT**

Councilmember Brown Clarke  
Councilmember Jessica Yorke  
Councilmember Patricia Spitzley arrived at 2:10 p.m.  
Councilmember Adam Hussain arrived at 2:08 p.m.  
Councilmember Kathie Dunbar arrived at 2:08 p.m.  
Councilmember Carol Wood left at 3:47 p.m.  
Councilmember Jody Washington left at 3:15 p.m.  
Councilmember Tina Houghton

**OTHERS PRESENT**

Sherrie Boak, Council Staff  
Courtney Vincent, Council Administrative Assistant- arrived at 2:45 p.m.  
Elizabeth Mayes, HR  
Joseph Abood, Deputy City Attorney  
Susan Combs

**Public Comment**

No public comment

**Human Resources**

Ms. Mayes outlined the City policy on sexual harassment policy and the group watched the video. Council President Brown Clarke asked for an update on the complaint submission process. This does include an option that if someone does not want to come forward with a formal complaint they can come to Human Resources. Council Member Washington asked if there is any legal obligation to report something, and Ms. Mayes reminded Council that they are Managers so should report it, and Mr. Abood added if they become aware of anything they should report it. Council Member Wood suggested that since City Council is the Manager of all the employees if they are notified, Council needs to contact the City Attorney for them to make the determination, and Mr. Abood agreed.

Ms. Mayes informed Council that once an investigation is done it will be given to the Mayor and the Office of the City Attorney. Council President Brown Clarke asked if the complaint is

against an employee can they use their union as representation. Ms. Mayes noted it would depend on the investigation, and HR would offer them their union steward as best practice. Council Member Washington asked if HR gets many complaints, and Ms. Mayes answered that they do not.

Council Member Wood asked how often the employees receive this training, and Ms. Mayes confirmed when they are hired, and as of recently they are preparing for annual trainings. Council President Brown Clarke asked if Council can do them every other year, since in 2017 there will not be any new Council Members, and Council Member Wood stated that in the past a Resolution was passed stating Council agreed to have the training annually.

Ms. Mayes confirmed for the Council that the policy was updated in 12/2015.

Council Member Spitzley asked for the practice for if there are issues amongst Council Members. Ms. Mayes directed all Council to the City Attorney office.

Council President Brown Clarke asked that in 2017 the HR Department provide examples, and Council Member Spitzley added that there should also be statistics provided.

#### City Attorney

Mr. Abood did not present any new documents but referred Council to the handout from 2015. Mr. Abood then gave an overview of the Law Department, confirming he has no government expertise therefore will address the basics, and there are specific questions, he will take note of those and get back to Council.

Mr. Abood moved onto an opinion of June 11, 2009 regarding disruptive speech. This document was not handed out and was to be provided after the meeting. The document outlined the need for clarity, confine the discussion to comments and address what is on the floor at hand. Mr. Abood then addressed decorum, and gave examples. This document too was not available for Council and was to be provided after the meeting. One example was that it was not inappropriate for Council to raise a point of order during a disruptive outburst by the public. The Council discussed examples of keeping to the business at hand, City related matters, and not addressing personal attacks that have nothing to do with City businesses. It was also commented that Council has a difficult view since they are public officials and the leeway is can be wide. Council Member Dunbar asked Mr. Abood if it is not City business and they stop it because it is crossing the line, is that appropriate. Mr. Abood confirmed the best procedure is for one Council Member to raise a point of order. Council President Brown Clarke asked what happens to the allowed time during the point of order. Mr. Abood instructed the clock should be stopped, and they still only get a total of three (3) minutes to speak. Council Member Dunbar reminded the Council that if a point of order is not recognized by the presiding President, then it takes 6 members to override the President/Chair.

The Council then discussed situations where during public comment other members of the public cheer or jeer the speaker. Council President Brown Clarke asked if under Freedom of Speech the Council can stop passive aggressive behavior. Mr. Abood noted that freedom of speech is a protective rights, and if it a repeated offense, it can be addressed on a case by case basis. Council Member Wood informed Mr. Abood that in the past if there were disruptions that the City Attorney would send a letter to that resident. Mr. Abood stated he would research at former City Attorney Brigham original interpretation, however would error towards the side of tolerance. Council Staff was directed to place the examples on "Decorum" at the Dais for each Council Member. There was an example of the public throwing items at Council, and Mr. Abood stated he would research that also.

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The Committee spoke about past instances when someone from Council leaves the Dais area to go into the public to speak, and not being allowed. There were examples in the Law handout.

Council Member Yorko stepped away from the meeting at 3:15 p.m.  
Council Member Washington left the meeting at 3:15 p.m.

Mr. Abood addressed the potential of a situation of a quorum of Council at a Committee meeting, confirming that if Council's intention is not to act, that would satisfy the open meetings act. Council wants to be careful that we do not talk on the record that could be business of Council, and if Council speaks that could be considered as deliberation. Council Member Wood noted she did not want to be in a situation where Council is not able to participate. Mr. Abood gave the example that if three members commit, and a 4<sup>th</sup> is present, they can speak with no vote. If a 5<sup>th</sup> member or more is present at a 3 member Committee only Committee members can speak and vote. Council Member Wood referenced past practice of posting as a Committee of the Whole, and Mr. Abood stated it could be noticed as such. Law recommendation would be that best practice would be to not allow 5 or more Council members are present. Council Member Dunbar asked about situation where it is a neighborhood event but 5 members are in attendance. Mr. Abood confirmed that if they are there, and do not deliberate, act or speak on City business nor it is a City function, they are not acting in their official authority. Therefore this is not a violation of the open meetings act. During public events where they are speaking or presenting a Tribute, and there are a quorum present, Mr. Abood stated they should not state "on behalf of the City". Council Member Spitzley suggested they error on the side of caution.

Council Member Yorko returned to the meeting at 3:23 p.m.

Council President Brown Clarke asked that Law research the intent of representing the Council, and propose recommended scripted language, this would address the best way to make Council less vulnerable.

Council Member Wood asked about minutes taken at joint meetings such as BWL and Committee of the Whole. The Council staff takes minutes, however it has been stated that BWL does not because it is not a meeting. Mr. Abood stated he would speak to the BWL attorney and find out why they do not.

Council President Brown Clarke asked about updating the Charter and Ordinances on items that are obsolete. Council Member Wood stated Council can review it every ten (10) years.

Council Member Dunbar stepped away from the meeting at 3:32 p.m.

Council Member Yorko asked if changes can be made without a Charter Commission. Council Member Wood stated there is a cost for the Charter Commission, sometime \$100,000, which covers outside counsel, staff, etc. Mr. Abood stated that the Office of the City Attorney will review any specifics, however if there are grammatical errors there should be a methodical practice to fix them. Council Member Wood suggested they look at the last minutes of the Charter Commission to understand their intent.

Mr. Abood informed the Committee that Law is still reviewing and working on the Council Rules that were presented in the Committee on General Services.

Council President Brown Clarke asked if Council will be receiving information that City Attorney Ms. McIntyre is formally on leave. Mr. Abood stated he could not provide that and it should be from the Administration, and he cannot advise Council on administrative

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procedures. Council President Brown Clarke also asked that the City Attorney Office provide information on the realignment of the Law office so that Council is aware of who will staff their Committees. Mr. Abood stated the City Attorney office is short staffed, but he is committed to have a City Attorney at all Committee meetings.

Council Member Dunbar returned to the meeting at 3:37 p.m.

Council President Brown Clarke asked for an update on the protocol when communicating with the City Attorney office for information. Mr. Abood stated all communications should be addressed to the Attorney staffing the Committee, then c.c. Ms. McIntyre, Mr. Abood and Ms. Maison. Council President Brown Clarke asked Ms. Mayes with HR if Ms. McIntyre is on leave should she be c.c. on emails since she is not active, and Ms. Mayes confirmed that she should still be c.c. on communications.

Council Member Spitzley informed Mr. Abood that Council has a list of items they are waiting on and the response has always been "they have not been signed off by the City Attorney". What is the status of all those items and does everything come to a halt while the City Attorney Ms. McIntyre is out or is there an Interim City Attorney. Mr. Abood noted that in order to address issues that are outstanding, and so the Law office can move along on things, at some point in time sooner or later, a list of those issues should be made and sent to law with a c.c. to Ms. McIntyre, Mr. Abood, and Mr. Dotson to make sure items get addressed. Council President Brown Clarke asked again for the proper protocol. Mr. Abood agreed the Council has the right to know her status and who is acting and/or interim City Attorney.

Council Member Wood asked for the status of the Human Rights Ordinance review. Mr. Abood stated he is waiting on comments from Council Member Dunbar, and reminded Council Member Wood he had until February 8<sup>th</sup>. Council Member Wood asked that this document be sent to the Chair and Council Staff. Council Member Wood did question that if Law sends back a version to the Committee and they confirm, is law ready to sign off on it or is the Committee being told at this time, until Ms. McIntyre is back and able to sign off, the Ordinance cannot move forward. Mr. Abood stated that Ms. McIntyre or her designee would however right now there is no clarification of the designee. Council Member Spitzley asked Mr. Abood if all Council business is at a halt until there is an acting City Attorney. Mr. Abood clarified it was not, they have been able to get the authority from Ms. McIntyre on certain things. Council President Brown Clarke again asked that Mr. Abood provide the understanding of who is interim since Ms. McIntyre is on leave and not in an active role, and also provide what is protocol. Mr. Abood asked that Council address all communications to the attorney staffing their Committee, c.c. Mr. Abood and Ms. McIntyre. Council President Brown Clarke asked Mr. Abood to provide formal notice. Council Member Wood asked if something will come from Law on the interim, or if Mr. Abood has to ask the Mayor's office to appoint an interim. Council President Brown Clarke asked Ms. Mayes with HR, if a department head is on leave, who releases that information, would that be HR or administration. Ms. Mayes was asked to inform Council on this so that they can move forward.

Council Member Wood left the meeting at 3:47 p.m.

Mr. Abood moved onto the training handout.

#### Coaching/Consulting

Council President Brown Clarke introduced Ms. Combs. Ms. Combs gave a brief overview on the *Everything DISC Workplace* assessment tool that all Council and Council staff performed prior to the meeting. The assessment outlined the four basic styles of "Dominance", "Influence", "Conscientiousness" and "Steadiness". The Committee then noted on the white

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board where all their assessments place them, and they then discussed amongst themselves what they can do to work with each other's profiles.

Other

Council Member Spitzley affirmed her concern with lack of a City Attorney and City business coming to a halt, and asked at what point is something done. Council President Brown Clarke noted that there is no active role of leadership and also there is no designation of Committee assignments from the City Attorney Office. A memo from the Council President should be sent to the Mayor for the clarification purpose of the request on record.

**ADJOURN**

The meeting was adjourned at 4:45 p.m.

Respectfully Submitted by,  
Sherrie Boak, Recording Secretary  
Lansing City Council  
Approved by the Committee on



**MINUTES**  
**Committee of the Whole**  
**Monday, February 8, 2016 @ 5:30 p.m.**  
**City Council Chamber**

**CALL TO ORDER**

The meeting was called to order at 5:30 p.m.

**PRESENT**

Councilmember Brown Clarke  
Councilmember Jessica Yorke  
Councilmember Patricia Spitzley  
Councilmember Adam Hussain  
Councilmember Kathie Dunbar arrived at 5:47 p.m.  
Councilmember Carol Wood  
Councilmember Jody Washington  
Councilmember Tina Houghton arrived at 5:33 p.m.

**OTHERS PRESENT**

Sherrie Boak, Council Staff  
Randy Hannan, Mayor Executive Assistant  
Joseph Abood, Deputy City Attorney- arrived at 5:35 p.m.  
Eric Scorsone, MSU Extension  
David Hollister  
Debbie Mikula, Lansing Arts Council  
David Peffley, BWL General Manager  
Calvin Jones, BWL  
Mary Reynolds  
Scott Hamelink, BWL  
Dave Bolen, BWL  
Glen Freeman, Greater Lansing Labor Council

**Public Comment**

Mary Ann Prince spoke about BWL information on local water testing.

Mr. Freeman informed Council of the out of town contractors on the project."SkyVue" and asked Council for open discussion on jobs that are being let on development projects to non-local contractors. Council Member Wood asked Council President Brown Clarke if Labor Representatives can attend the next Committee of the Whole meeting. Council President Brown Clarke noted the date of February 22, 2016. Council Member Wood asked Mr. Freeman if he had made attempts to contact the developer. Mr. Freeman stated they had

however his concern is the belief that the jobs were not put out to bid, so therefore local contractors could not even apply.

### Presentations

#### Arts Impact Project Update

Ms. Mikula acknowledge for their annual contribution of \$130,000 on for city art projects, noting that out of that \$45,000 went to grants to community members. This resulted in a project in ReoTown, Reach Studio Art Center, and the Lansing Symphony Orchestra working with the film festival. Currently the project is to create a welcoming entrance at the area on Michigan that leads to Impression 5 Science Center and REO cultural area. The plan is to identify an artist to create a piece for the welcoming area, with plans for a Michigan artist and construction in May, completion by October. Arts Council will be the facilitator and there have been conversations with the City and MDOT. Council Member Wood asked if the project will work in conjunction with the River Trail, and Ms. Mikula confirmed there are ongoing conversations on the use as a future trail head. An RFP went out on a National level, the steering committee met and they are continuing to work off public art policy. Council Member Wood encouraged attendance at the March 6<sup>th</sup> County Commission meeting when they will discuss their plans for the use of the park millage.

#### BWL Update

Council President Brown Clarke reminded the Committee of the upcoming joint COW and BWL meeting on March 10<sup>th</sup>, 2016.

Mr. Peffley introduced Mr. Hamelink, Mr. Bolen and Mr. Jones and then gave an overview of their recent BWL work. BWL has replaced 13,500 lead services in Lansing and 627 remain. There are replacing at a rate of 1-2 a day with and one crew dedicated. The plan is to be completed by July 2017. There is a corrosion control system that treats water to keep contact between water and pipes separate, and once the replacements are done, they will continue with that treatment. Council Member Houghton asked if 1-2 a day was houses? Mr. Peffley explained that BWL is responsible for the lines from the main to the meter on the house, so they can perform 1-2 houses per day. The process details of pulling a lead pipe out and placing a new copper pipe in, which can take 4-5 hours per house. Council Member Houghton asked how the houses are determined, and Mr. Peffley noted that when the original process started they went with the houses with the highest risk, and now they are down to filling in the gaps. If someone calls and wants there house down immediately, they can try to accommodate. Council Member Houghton asked how a home owner would know if their lines had been replaced, and Mr. Peffley gave an example of what the materials would look like, but also offered his phone number of 800-426-4791 for residents to call if they want BWL out to do a visual check. Mr. Peffley then distributed pamphlets on the BWL water.

Council Member Spitzley acknowledged the BWL for their great collaboration with the City of Flint recently providing technical assistance. Council Member Spitzley then asked Mr. Peffley if BWL does any audit of the home interior to determine if indoor pipes have lead. Mr. Peffley stated they do not, however in the case of Lansing, BWL does a corrosion control treatment so there is no lead in the drinking water. Council Member Spitzley concluded by acknowledging the union representatives in the audience were acknowledge for their assistance in Flint also.

Council Member Yorke asked if there is a service replacement request but the owners cannot provide the time to access the property does BWL still provide filters for the faucets, and Mr. Peffley confirmed they just needed to call.

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Council Member Yorko informed the public that they can call 887-4312 or to the Ingham County Human Service Building on S. Cedar for water testing, and testing bottle collection and instructions.

Council Member Wood asked Mr. Peffley about any testing done at their BWL sites. Mr. Peffley assured the Committee that they monitor it continuously, and do quarterly inspections in the system to monitor the chemicals. There are also operators 24/7 365 days maintaining and taking samples.

Council President Brown Clarke asked if the handout brochure was electronic and Mr. Peffley confirmed it was on their website.

Council Member Wood acknowledged the union representatives in the audience for their work in Flint, as did Mr. Hannan on behalf of the Mayor. Mr. Hannan acknowledged BWL for their strong corrosion control measures and expertise at BWL for safe water.

Council President Brown Clarke reminded the Committee of the Joint COW and BWL Board meeting on Thursday, 10<sup>th</sup> at 8:00 a.m. at the Lansing Center. Any items the Council would like on the agenda for discussion should be forwarded to the President and Council staff.

Council Member Houghton stepped away from the meeting at 5:59 p.m.

#### FHT RFP

Mr. Hannan stated that the final RFP was sent today via email to the Financial Health Team. An electronic copy was sent to Council staff to be printed before the Council meeting. Council Member Wood asked Mr. Hollister about the information that was provided earlier that Council was going to go over the RFP, however when it was rejected by the State the first time, Council never say it the next time it was resubmitted and accepted. Council Member Wood stated her opposition to not seeing the final document but having to approve the money. Mr. Hollister acknowledged the opportunity to participate at the Committee meetings, and stated his belief that he thought Council saw the final document today. The draft RFP was sent to Council to comment, then it was sent to the State, they made recommendations and those recommendations were made and resubmitted. One change was that the entities that are used on legacy comparison are to be similar entities.

Council Member Houghton returned to the meeting at 6:04 p.m.

Mr. Hannan stated there were minor changes in the details, and there was never a commitment to have Council approve the final RFP. Council President Brown Clarke asked if there was an outline of what those changes were. Mr. Hannan confirmed Ms. Bennett email outlined the changes. The original RFP was not rejected but it was a dialogue with the State amends it before it was issued. Mr. Hollister added to the explanation by stating that FHT had scheduled the approval of the RFP on December 22 and did share that with Council. The plan with the FHT was to get RFP on the street before the end of year, however the delay was not intended.

Mr. Hollister then spoke briefly about the plans of the FHT including the focus this year at the progress on multi-year budgeting, performance based budgeting, so we can have measures, to look at infrastructure, and long term legacy issues. Goals included regional cost sharings, and monitoring of the RFP.



Council Member Hussain asked the FHT to consider holding their meetings on a time rotation so working members of Council and Community can attend. Mr. Hollister confirmed it had been discussed in the past, but there were no plans to accommodate that.

Mr. Hollister moved on to the recent MSU study and noted there is second study on response time for revenue sharing cuts, and property tax values. In the recent resignation of Mr. Ambrose, Mr. Bob Swanson will now co-chair the short term budget reform. Council President Brown Clarke asked when Council will see the policy analysis, and Mr. Scorsone stated he could provide that. Mr. Scorsone added that he hoped this report would kick off a discussion on plans.

Council Member Spitzley referenced the report and the statement that Flint was able to reduce their bottom line, and asked Mr. Scorsone what measures they used. Mr. Scorsone state that Flint had an emergency manager similar to Detroit and that changed their plans. Currently however, the Flint situation is in court and there are issues on the changes that were made. Overall there are not a lot of options. Council Member Spitzley referenced table 3 page 6 which noted most factors effected cities they had emergency managers, which is the common denominator. Council President Brown Clarke stated that the City hopes to make good business decisions and reinvesting into the quality. The RFP is being thoughtful in strategizing. Council Member Spitzley commented that when an emergency manager comes on board, Council members are nulled. So Council needs to resolve and we can consider for the retirees.

Council Member Yorko asked what OPEB stood for, and it was stated Other Post-Employment Benefits. It was stated there needs to be a distinction with the City pension and what is happening with the retiree health care. In Detroit it was health care and pension. In the case of the City pension is looking better, it is the City health care that is not. Council Member Yorko concluded that the she agreed with Council Member Hussain that the FHT should make attempts to accommodate other meetings time than 7:30 a.m.

Council Member Washington asked it be noted that after the last FHT meeting it was noted in the media there were 6 of the 8 Council Members in attendance, and that was not the intention for those 2 to miss the meeting, they had conflicts.

Council President Brown Clarke reminded the Council that Council needs to manage the expectations, so they need someone to walk thru what information is expected to get form the RFP awarded contractor, and then see how that information is used in driving decisions. MR. Scorsone noted the size of the problem is clear is in the audit. That problem is how to address the problem, such as bonding, higher taxation, and benefit changes with the goal to look at all. In each pathway there are details. His expectation is to have a portfolio and where it worked and where it didn't work. Also what does that cost curve look like.

Council Member Washington asked if the FHT will do the review once the RFP comes back to the FHT and make decisions. Mr. Hollister stated they will analyze but not make any decisions. They do have people on the FHT with insurance and finance experience. Then the FHT will layout options that are feasible and then present to Council and the Administration. At which point Council and the Administration will make decision the decision. The FHT will help to interpret the information.

Council President Brown Clarke asked for the date of delivery, and Mr. Hannan confirmed bids are due March 1, 2016 with bid processing, opening, evaluating and then the selection. After the decision on what to do forward then they will have appropriate time to make plans to present Council and Administration. Council President Brown Clarke noted that Council will

need to know what is the best strategy on projects that are coming before Council. Council needs to make good decisions to address public service, public safety, liability, and growing with new projects. Mr. Hannan did add that there are two phases, the initial report will produce the baseline and identify options due 120 days after the contract has been awarded. A full report will be due 6 months after award of the contract. This is another item the State recommended was to give an appropriate amount of time. Council President Brown Clarke asked if it will look specifically at regional efforts and what internal decisions should be made as a deliverable. Mr. Hannan confirmed it will be a regional approach. When we are talking about other cities and the comparison of comparable such as population, size of employees, number of retirees, etc, Council President Brown Clarke asked if anyone will be looking at if this goes into PILOTs and how do we increase revenue, is that being looked at. Mr. Scorsone noted they did that approach with another organization and a possibility for revenue sharing cuts are realistic. The FHT can work with Council on that issue. Mr. Hannan reminded Council that in the context of increases, the City is trying with every project, to strengthen revenues with immediate taxes, or incentives that come off in the future.

Council President Brown Clarke asked Mr. Scorsone if when they are reporting and talking about policies on financial strategies are they brining Mayors to advocate with the State to get a friendly boiler plate. Mr. Scorsone confirmed they have been partnering with the MML.

Council Member Washington noted on the record that in going forward with new projects, she want a projection, wants economic development and Council needs to be thoughtful of what they have left to capture that.

#### **Other**

Council Member Wood asked Mr. Abood for an update on the City Attorney status. Mr. Abood stated that it his understanding that the City Attorney on a leave of absence, and he is her designee at this time. Relative to "acting" or "interim" status, that question should be directed to the HR Department. Mr. Abood stated that at this time, the Office of the City Attorney is recognizing business must go on and has been diligent in moving business along. In that aspect he has been acting in the role of City Attorney. Council President Brown Clarke asked if in informal protocol if he is Ms. McIntyre designee and Mr. Abood confirmed he is filling that role. Council President Brown asked Council Staff to contact HR for clarification.

#### **ADJOURN**

The meeting was adjourned at 6:43 p.m.

Respectfully Submitted by,  
Sherrie Boak, Recording Secretary  
Lansing City Council  
Approved by the Committee on



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BY THE COMMITTEE OF THE WHOLE  
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City Attorney has requested and recommended the appointment of Laura M. Hallahan of Hallahan & Associates, P.C. as special outside legal counsel to represent the City in connection with the matter of *Menards v City of Lansing* pending before the Michigan Tax Tribunal.

THEREFORE BE IT RESOLVED, that Laura M. Hallahan of Hallahan & Associates, P.C. is hereby approved as legal counsel to represent the City in the matter of *Menards v City of Lansing* before the Michigan Tax Tribunal.

Adopted by the Committee  
of the Whole: \_\_\_\_\_

Approved for Placement on  
The City Council Agenda:

\_\_\_\_\_  
F. Joseph Abood  
Deputy City Attorney

Date: \_\_\_\_\_